



Del Norte Solid Waste Management Authority

1700 State Street, Crescent City, CA 95531

Phone (707) 465-1100 Fax (707) 465-1300

www.recycledelnorte.ca.gov

The Authority's mission is the management of Del Norte County solid waste and recyclable material in an environmentally sound, cost effective, efficient and safe manner while ensuring 100% regulatory compliance with law.

21 August 2015

**The Honorable Judge William Follett
Judge of the Superior Court of Del Norte County
450 H Street
Crescent City, CA, 95531**

RE: The Del Norte County 2014-2015 Grand Jury Final Report

Your Honor:

The following are the responses by the Del Norte Solid Waste Management Authority to the Del Norte County 2014-2015 Grand Jury Final Report as adopted at the meeting of 18 August 2015.

This Grand Jury Report includes the most detailed assessment and analysis of the Authority and its administration provided by another entity in Del Norte County since the Authority was formed in 1992, and the Authority appreciates the significant work of the members of this 2014/2015 Grand Jury to prepare this history and report.

The significant and strong nature of the findings and recommendations would have benefited from a letter specifying how your Honor and the Grand Jury expect the Authority and member agencies to respond. Lacking such a letter describing your expectations regarding a response, the Authority will follow the California Penal Code, commencing with section 9300.

These responses, submitted by the 2014/2015 Authority Board, regarding the Authority Commissioners and staff actions in prior years, have also been sent to the Del Norte County Board of Supervisors and the Crescent City City Council for their consideration.

Commendations for Authority Staff and Hambro/WSG's staff:

The Del Norte Solid Waste Management Authority appreciates the 2014 / 2015 Del Norte County Grand Jury's commendations of the employees of this agency in the areas of:

- “● *Providing exceptional customer service and professionalism to the public utilizing the facility.*
- *Care of the transfer station facility, keeping it as clean as possible and in excellent condition.*
- *Development, implementation and operation of multiple recycling programs that have made Del Norte County a recycling leader nationwide.*
- *Development and implementation of accounting policies and procedures that have resulted in a two year cycle of total accountability of funds.”*

In addition, the Authority acknowledges the central role of the Authority's transfer station operations contractor Hambro/WSG, under General Manager Wes White and Operations Manager Joel Wallen, in keeping the Del Norte County Transfer Station a clean, safe and inviting place for people to drop off their recyclables and dispose of their trash. Similarly, many of the Authority's recycling programs in Del Norte County are implemented through the services of the Authority's collections contractor Recology Del Norte and the recyclables processing services of Julindra Recycling.

Authority responses regarding 2014-2015 Del Norte County Grand Jury Findings:

Two Commissioners of the current Board of the Del Norte Solid Waste Management Authority did not serve as Commissioners during the period investigated by the Grand Jury. Also, Commissioner #2, reappointed by the Del Norte County Board of Supervisors in 2014, no longer serves as an Authority Commissioner or County Supervisor. Similarly, Commissioner #5, who served as the Public Commissioner through March 2015, is also no longer serving in that capacity, though she is currently appointed to the Del Norte Solid Waste Task Force.

Under California Penal code section 933.05, the public agency subject to a Grand Jury report is obliged to indicate whether that agency agrees or disagrees, wholly or partially, with each finding in that report. This section addresses each of the findings of the 2014- 2015 Grand Jury report regarding the Del Norte Solid Waste Management Authority (SWA in the Grand Jury report). The findings in italics below are quoted from the Grand Jury Report, as numbered therein.

F1. The JPA and the SWA continues to be the most appropriate answer to the issues created by the landfill and the appropriate response to CalRecycle and state mandated regulations and laws.

DNSWMA response to F1: The Authority agrees with this finding. In addition, as stated in the **Final Report - Assessment of the Del Norte Solid Waste Management Authority** (R3 Consulting Group, May 15, 2014) *“The Del Norte Solid Waste Management Authority, as a single Joint Powers Authority serving both Del Norte County and the City of Crescent City, is the most efficient entity for managing solid waste related functions in Del Norte County.”* (page 10).

F2. Some decisions made by the Authority Board significantly affected the functioning of the operations of the SWA, reducing its effectiveness.

DNSWMA response to F2: The Authority partially disagrees with this finding. The Authority’s reduced effectiveness during the period starting in August 2013 was primarily associated with being short-staffed. A majority of the 2013/14 Authority Commissioners at that time felt that the Assessment report by R3 Consulting Group confirmed their belief that the Authority could continue with reduced staff. In addition the R3 report did list several options regarding staffing, although each of those options were presented with little analysis other than the responses provided by the Authority staff, legal counsel and Treasurer. The consultants did not clearly recommend any of the options, *except retaining the agency*. In the report, R3 acknowledged that *“...the question ‘What are the appropriate management and administrative staffing levels for the Authority’ was not specifically asked and regardless cannot be definitively answered at this point.”*

Presented as options -- in this order -- in the R3 report were:

1. Maintain current Management and Administrative staffing levels
2. Reduce Management and Administrative staffing levels to support Status Quo
3. Contract the Executive Director Position
4. Contract scalehouse staffing to the private sector

The R3 report specifically acknowledges that Options #2 and #4 require further analysis and/or legal opinion. Under Options #2 and #3, it was not clear how R3 could present options for permanent reduction in Authority staff – cutting the number of core positions in half by combining the Director and Program Manager (as well as other) positions – while claiming that this would be ‘Status Quo.’ Under Option 2, R3 said *“...prior to (combining these positions) the Authority should review the job responsibilities of both of those positions, eliminate or defer non-essential tasks and delegate certain other required tasks to administrative staff, the County and/or Recology and Hambro/WSG where that can be done effectively to the benefit of the Authority.”*

The 2013/14 Authority Board did not take action to eliminate or delegate responsibilities to other entities or agencies, and did not take timely action to address the

protracted staffing shortage. Lack of action on these issues has prolonged the period when the Authority lacked adequate staff to meet the Authority's ongoing responsibilities.

F3. Multiple violations by Commissioners #1, 2 and 5 of the Code of Ethics occurred.

DNSWMA response to F3: The Authority partially disagrees with this statement.

The most significant Code of Ethics violation documented by the Grand Jury was the private discussions between the former General Manager of Recology Del Norte and Commissioner #1 regarding the potential sale of the Del Norte County Transfer Station. Recology Del Norte is a contractor of the Authority, and sale of the Del Norte County Transfer Station would directly contradict several complex commitments the Authority has made to State agencies and financial institutions while eliminating the source of funds for the Authority to meet its commitments on behalf of Del Norte County and Crescent City. In short, if the Del Norte County Transfer Station could be sold, both the Authority and Recology Del Norte as they are currently structured would cease to exist. Private discussions with Commissioners regarding the sale of agency assets to agency contractors prior to any public discussion violates Authority Ethics policies regarding the Policy Role of Members, Acting in the Public Interest, Complying with the Law, Communication, and Respect for Process.

Commissioner #1 also had several private communications with applicants for the appointment of Public Commissioner without disclosing those ex parte communications to the Authority Board, in violation of Authority Ethics policies regarding Respect for Process, Communication, Harassment and Discrimination, and Statement of Commitment.

Former Commissioner #5 has stated publicly that this meeting with Recology Del Norte's General Manager occurred when that person served on the Del Norte Solid Waste Task Force and prior to that person being appointed as Commissioner. Former Commissioner #5 has provided a copy of the minutes of this 23 May 2012 meeting, which was attended prior to this person being appointed as an Authority Commissioner. The Grand Jury's summary of Commissioner #5's actions (under COE #3: Respect for Process) related to that person's service on the Del Norte Solid Waste Task Force include additional Code of Ethics complaints with respect to 'Respect for Process.' The Authority's Code of Ethics and Conduct did not apply to members of the Del Norte Solid Waste Task Force during the period of this Grand Jury investigation.

The Grand Jury's summary of Commissioner #2's Code of Ethics violations are somewhat less severe. Advocating and pursuing privatization of Authority functions, facilities, or services, however, without *any* supporting financial or service analysis open to public scrutiny does raise questions regarding how such actions can be justified as Acts in

the Public Interest, considering the Policy Role of Members. Commissioner #2's advocacy in this regard occurred primarily during open sessions of Authority and Board of Supervisor's meetings.

F4. Commissioners #1 and #5 did not consistently conduct public affairs with honesty, integrity, fairness and respect for others.

DNSWMA response to F4: The Authority partially disagrees with this statement, with reference to the response to F3.

F5. Commissioner #1 committed numerous and varied violations of the Code of Ethics and Conduct.

DNSWMA response to F5: The Authority generally agrees with this statement, as documented within the Grand Jury report, and with reference to the response to F3.

F6. Commissioner #1's conduct is potentially harmful and divisive to the functioning and vested interests of the SWA and the community.

DNSWMA response to F6: The Authority agrees with this statement, with reference to the response to F3.

F7. Commissioner #5 committed multiple violations of the Code of Ethics and Conduct.

DNSWMA response to F7: The Authority disagrees with this statement, with reference to the Authority's response to F3.

F8. No fiscal analyses or cost/benefit impact reports were produced to support some of the decisions the Authority Board rendered.

DNSWMA response to F8: The Authority agrees with this finding. Not all decisions of the Authority are subject to fiscal or cost/benefit analysis. It will remain the task for staff to identify and present potential fiscal impacts of Authority Board decisions.

When a new Authority Board 'wants to go in a new direction,' and does not seek such fiscal advice from staff, or eliminates staff capacity to provide such analysis, it is appropriate for the Grand Jury, the appointing agencies, or the general public to ask for

justification for such proposed dramatic changes. As noted in the response to F3, Authority Commissioners who advocate or pursue policies or actions that have potentially significant impacts to public costs or services without supporting analysis comparing policy options may be in violation of the Authority's adopted Code of Ethics.

F9. No fiscal analyses or independent impact reports were produced to support further privatization of the SWA or selling of the transfer station.

DNSWMA response to F9: The Authority agrees with this finding. In e-mail communications, Authority staff has asked Recology Del Norte General Manager Ed Farewell if any analysis had been done at any time by Recology in this regard. He said no.

Furthermore, in the Humboldt-Del Norte-Curry region, the per ton disposal rate at every single publicly operated transfer station is less than similar disposal rates at every single privately operated transfer station. There appears to be absolutely no basis for the assertions that further privatization would result in any savings to customers.

The prospect of selling the Del Norte County Transfer Station has not been discussed at a public meeting, and is not a viable option for many reasons including the way its construction was financed using State funds, and the commitments that have been made pledging revenues from this facility to address the liabilities associated with the Crescent City Landfill.

F10. SWA has lower disposal rates than Curry County or Humboldt County.

DNSWMA response to F10: The Authority agrees with this finding. Authority managed facilities have the lowest disposal rates in our region. Per ton and per cubic yard disposal rates for solid wastes at the Del Norte County Transfer Station, the Klamath Transfer Station and the Gasquet Transfer station are lower than any comparable facilities in Humboldt or Curry Counties.

F11. The SWA has been understaffed since August 2013.

DNSWMA response to F11: The Authority agrees with this finding.

F12. The Authority Board failed to modify the workload to accommodate staffing levels.

DNSWMA response to F12: The Authority agrees with this finding. The adopted Work Plans presented by staff did, however, explicitly identify which tasks or activities were inactive or being deferred during this period.

F13. The SWA is presently out of compliance with its Mission Statement and some state agency regulations due to failure to produce mandated reports in a timely manner.

DNSWMA response to F13: The Authority agrees with this finding and intends to address this issue with the hiring to return to adequate staffing levels in 2015.

F14. The costs for managing the SWA increased under the 2013/14 Authority Board.

DNSWMA response to F14: The Authority agrees with this finding, as documented within the Grand Jury Report.

F15. Applications for grant monies ceased under the 2013/14 Authority Board.

DNSWMA response to F15: The Authority partially disagrees with this finding. Though the Authority has not applied for any competitive grants in several years, the Authority continued to apply for and be awarded grants under the used oil payment program administered by the California Department of Resources, Recycling and Recovery (CalRecycle). This used oil payment program grant is awarded to each City, County, or regional joint powers authority and is not competitive. Competitive grant applications generally require a more intense staff effort to apply for and to implement.

F16. The JPA and the SWA are at functional risk should a charter member choose to withdraw from the JPA.

DNSWMA response to F16: The Authority agrees with this finding. The multiple administrative, legal and operational issues that would be associated with the withdrawal of either the City of Crescent City or the County of Del Norte are an inherent impediment to such action. All members of the Crescent City Council and the Del Norte County Board of Supervisors need to understand that the Del Norte Solid Waste Management Authority:

- Exists to address responsibilities for planning and administering solid waste and recycling programs that would immediately fall to City and County staff if the Authority did not exist, and

- Cannot be dissolved (i.e. neither charter member can withdraw) without the prior approval of the agencies responsible for oversight of the Crescent City Landfill. Those agencies will demand that there be explicit and clear designation as to who will be responsible for the County's, and to some extent the City's, ongoing permitting and financial liability associated with this facility.

F17. The actions of Commissioners #1, 2 and 5 contributed to a hostile work environment.

DNSWMA response to F17: The Authority partially disagrees with this finding. The Authority is a public agency, under the guidance of elected officials appointed as Commissioners and a public member. While the Authority does not agree that the conditions arose to the level of a hostile work environment, the actions of Commissioners #1, 2, and 5 adversely impacted staff morale. This was a difficult period for all Authority staff, including gate staff. The Board discussions set the tone for community attitudes toward Authority staff. As the Board was considering privatization, gate attendants felt more insecure in their positions, were abused by customers based on these discussions, and did not receive assurances from the Board.

F18. Commissioners #1 and #5 demonstrated a lack of transparency in decision processes and outside activities.

DNSWMA response to F18: The Authority partially disagrees with this finding, with reference to Authority's response to F3.

F19. Certain Commissioners made misleading statements as to the need and reason for the \$33,000 spent on R3 study.

DNSWMA response to F19: The Authority partially disagrees with this finding. The nature of political speech is at times distracting. The statements from Commissioners quoted in the Grand Jury report attempt to justify the expense of the R3 report as an expression of concern regarding the missing funds identified in the Scanlon report. While these Commissioners may have been sincere in their concerns, the R3 report did not directly address financial issues. Therefore stating that the expense of the R3 report was needed to address financial concerns relating to the Authority was and is misleading.

F20. The tone and content of Commissioner #1 and #5's communications with R3 were inappropriate and an attempt to influence the outcome of the consultant group's report.

DNSWMA response to F20: The Authority partially disagrees with this finding. There is not a problem with any Commissioner expressing their opinion in writing, even in an attempt to influence the content of such a report. It is worth noting that in the letters submitted by Commissioners #1 and #5 to support their opinions regarding the R3 draft report, they provided no additional factual information. In other words, the letters from Commissioners #1 and #5 were simply their opinions.

The more fundamental procedural problem with the R3 report in hindsight was the lack of a methodology beyond interviews, how interviews with different persons were weighed with respect to other opinions, and the way factual information was sparsely and unevenly presented to support their findings. It is also highly unusual – even questionable - for staff to be directed (by their Board) to limit communications with a consultant conducting an assessment of that agency.

F21. Commissioners were varied in their understanding and knowledge of the JPA and state rules and regulations and operating standards.

DNSWMA response to F21: The Authority agrees with this finding. All Commissioners vary in their depth of knowledge, experience, and abilities to absorb information.

F22. COE #17 places the Executive Director in the precarious employment position of disciplining his employers.

DNSWMA response to F22: The Authority agrees with this finding. The Authority intends to make changes to the Code of Ethics policy to address this issue before November 2015.

F23. The Grand Jury finds the continued assertions by Commissioner #1 regarding lowering rates without job loss and increasing privatization of the recycle/waste-stream to be unsupported by facts and fiscal analysis.

DNSWMA response to F23: The Authority agrees with this finding. In e-mail communications, Authority staff has asked Recology Del Norte General Manager Ed Farewell if any analysis had been done at any time by Recology in this regard. He said no.

F24. SWA Commissioners can serve on the solid waste task force and board concurrently.

DNSWMA response to F24: The Authority agrees with this finding.

Conclusions. Though this is not listed as a finding in the report, the Authority agrees with the Grand Jury's conclusion that: *"No documentation supporting (some Commissioner's) opinions was presented to Del Norte County residents concerning the following issues:*

- *dissolving the JPA*
- *privatization/selling of the transfer station*
- *combining the Director and Manager Position and/or contracting this position*
- *contracting out employees*
- *lowering solid waste disposal rates*
- *job shifting"*

Responses to Recommendations related to the Authority:

Each of the numbered recommendations from the 2014 / 2015 Grand Jury Report are listed in this section in italics, followed by the response from the Authority. Under California Penal Code section 933.05 (b), the Authority is to respond to each Grand Jury recommendation, reporting one of the following actions:

- 1) **The recommendation has been implemented, with a summary regarding the implemented action.**
- 2) **The recommendation has not yet been implemented, but will be implemented in future with a timeframe for implementation.**
- 3) **The recommendation requires further analysis, with an explanation of the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.**
- 4) **The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefor.**

R1. The Solid Waste Authority should return to full staffing with separate positions for the Executive Director and Program Manager.

DNSWMA response to R1: This recommendation has not yet been implemented. The Authority plans on hiring additional staff before the end of June 2016 to return to adequate staffing, as supported by the adopted Authority budget for fiscal year 2015/2016.

R2. All Commissioners should be educated about the history of the JPA and SWA and state rules and regulations. All Commissioners should read the 2014/2015 Grand Jury History of Solid Waste Authority.

DNSWMA response to R2: This recommendation has been implemented. Since November 2013, the Authority Director updates and prepares a briefing binder provided to each new Authority Commissioner, and reviews the information therein with new Commissioners prior to their first meeting. All Authority Commissioners have read the 2014 / 2015 Grand Jury Report. The 2014/2015 Grand Jury History of Solid Waste Authority will be included in the briefing binder through the year 2020.

R3. The Solid Waste Authority should resume its applications for grant monies.

DNSWMA response to R3: This recommendation has been implemented with respect to beverage container block grants and the oil payment program grants available through CalRecycle. The Authority continues to annually apply for non-competitive block grants and payment programs to support beverage container and used motor oil recycling programs. The Authority's potential applications for competitive grants for appropriate projects will require further analysis after this agency returns to adequate staffing and has addressed the backlog of activities that have accumulated since August 2013. That analysis will include considerations of situational opportunity, priority activities, staff capacity, and the potential fit of an Authority project or program with each grant opportunity.

R4. Commissioner #1 be removed from the Solid Waste Authority Board for misconduct and multiple violations of the Code of Ethics which affected the performance of his official duties.

DNSWMA response to R4: This recommendation has not been implemented,

The Authority Board is not empowered to remove any Authority Commissioner, but it may make such a recommendation to the appointing agency. As Commissioner #1 was appointed by the Del Norte County Board of Supervisors, this recommendation would be most appropriately and effectively addressed by the Del Norte County Board of Supervisors. At a special meeting addressing the 2014/2015 Del Norte County Grand Jury Report, discussion by County Counsel and County CAO Jay Sarina clarified that the Board of Supervisors would not take action on Grand Jury recommendations regarding disciplinary action or changing appointments without first receiving a referral or recommendation from the Authority Board.

At the 18 August 2015 meeting, the Del Norte Solid Waste Management Authority took the following actions by unanimous votes of the Commissioners present (excluding Commissioner Gitlin, as required under the Authority Code of Ethics and Conduct):

1. Affirmed that Commissioner Gitlin had violated the Authority Code of Ethics and Conduct in four instances, three documented within the 2014 /2015 Del Norte County Grand Jury Report, and one other consisting of an e-mail of 17 July 2015 to the Authority Chair which violated this policy in that it contained '*...attacks upon the character or motives of other members of the Board of Commissioners...*'
2. Directed Authority legal counsel to compose and issue a formal Notice of Censure to Commissioner Gitlin for the aforementioned violations of the Authority Code of Ethics and Conduct.
3. Recommended that the Del Norte County Board of Supervisors take action to remove Commissioner Gitlin from his appointed position as Commissioner to the Del Norte Solid Waste Management Authority.
4. The Authority Board recommends that the Del Norte County Board of Supervisors make a different appointment to the Del Norte Solid Waste Management Authority Board to replace Commissioner Gitlin.

[NOTE: On 20 August 2015, Authority staff received a copy of the attached letter from Supervisor Gitlin resigning from his appointment to the Del Norte Solid Waste Management Authority.]

R5. The Grand Jury recommends Commissioner #1 be referred to the Board of Supervisors for consideration of disciplinary action.

DNSWMA response to R5: This recommendation has not been implemented. At the 18 August 2015 meeting, the Del Norte Solid Waste Management Authority took the actions described under R4 in part to address this recommendation.

R6. The SWA Board recommend the removal of Commissioner #5 from the Solid Waste Task Force for multiple violations of the Code of Ethics.

DNSWMA response to R6: This recommendation has not been implemented. The Authority Board is not empowered to remove any Del Norte Solid Waste Task Force appointee, but may make recommendations to the appointing agency. As Commissioner #5 was appointed by the Del Norte County Board of Supervisors to the Del Norte Solid Waste Task Force, this recommendation would most appropriately and effectively be addressed by the Del Norte County Board of Supervisors. As discussed in the Authority's response to F3, up to this point appointees to the Del Norte Solid Waste Task Force have not been asked to review, comply with or sign the Authority's Code of Ethics and Conduct. While several of the actions of former Commissioner #5 as described in the Del Norte Grand Jury

Report are issues of concern, many are associated with service to the Del Norte Solid Waste Task Force. Improper actions of Task Force members do not appear to be violations of the Authority's Code of Ethics and Conduct, unless those issues of concern were also associated with service as an Authority Commissioner.

R7. The Solid Waste Authority should investigate adding Associate Members to the JPA.

DNSWMA response to R7: This recommendation will not be implemented during the next six months, primarily because the Authority has not received requests from any entity or agency to become an additional member of the Authority. The Authority Board has not directed staff to analyze the potential benefits or potential concerns regarding additional Authority members, and thus has not attempted recruiting additional members.

R8. The Solid Waste Authority should revisit its plans for a resource and recovery park as a backup and complement to the present recycler in Del Norte County.

DNSWMA response to R8: This recommendation will not be implemented during the next six months due to the continuing staff shortage and the backlog of deferred activities. Development of the Authority-owned and commercially-zoned property adjacent to the Del Norte County Transfer Station has been deferred for several years. Prior analysis of this property included a phased development starting with a facility for the sale of building materials and appliances salvaged at the Del Norte County Transfer Station. When Hambro/WSG opened their Eco-Store, the need for such a Reuse facility became much less urgent. Since the Eco-Store closed several years ago, these materials have been sold through the thrift store operated by Our Daily Bread Ministries at 1135 Harrold Street. Analysis of alternative potential options for potential uses of this property should be conducted by Authority staff, and considered by the Authority Board prior to any action. The Authority may direct staff to prepare such analysis after this agency returns to adequate staffing and has addressed the backlog of activities that have accumulated since August 2013.

R9. The Board of Supervisors and City Council should appoint Commissioners who want the JPA and Solid Waste Authority to be successful.

DNSWMA response to R9: This recommendation will not be implemented by the Del Norte Solid Waste Management Authority and is directed at the appointing authorities of the Del Norte County Board of Supervisors and the Crescent City Council.

A 'successful' Solid Waste Authority would have adequate staff and resources to meet the mission statement adopted in September 2014: *"The Authority's Mission is the management of Del Norte County solid waste and recyclable material in an environmentally*

sound, cost effective, efficient and safe manner while ensuring 100% regulatory compliance with law."

Generally, because of their training and expertise, Authority staff are in the best position to understand all activities needed to achieve and maintain '100% regulatory compliance.' If the appointing authorities of the City Council or the Board of Supervisors come to believe that a Commissioner has acted in a way that is not consistent with administration of a successful agency, those appointing authorities should replace such a Commissioner with a different appointee. If in future the Authority Board determines that a Commissioner or Task Force appointee is not acting in a manner consistent with supporting the success of this agency, the Authority Board may take or recommend disciplinary action under the Authority's Code of Ethics and Conduct.

R10. The Solid Waste Authority Board study the Code of Conduct #17 and consider reorganizing the corrective process since it puts the Executive Director in a difficult position of correcting his employers.

DNSWMA response to R10: This recommendation will be implemented before November 2015. The Authority's revised Code of Ethics and corrective process will be addressed at the 15 September 2015 Authority meeting based on the recommendations of the Authority's By-Laws and Ethics subcommittee.

R11 . The Solid Waste Authority should follow and act in accordance with its own Code of Ethics.

DNSWMA response to R11: This recommendation has been implemented. Prior to the 2014 /2015 Grand Jury report, neither the Authority Chair nor staff had received any complaints related to potential violations of the Authority's Code of Ethics and Conduct. The Authority intends that the Authority's Code of Ethics and Conduct, first adopted in 2006, be followed by all Authority Commissioners and management staff. All Authority Commissioners and management staff are asked to sign a copy of the Authority Code of Ethics, and take the associated on-line Ethics Training in the first few months following their appointment. Individual Commissioners or staff who fail to follow this Code of Ethics may be subjected to investigations by the Grand Jury or the California Fair Political Practices Commission.

Furthermore, the Authority will consider updating provisions of the Authority's Code of Ethics and Conduct in September 2015 based on the recommendations of the Authority's By-Laws and Ethics subcommittee.

R12 . The Solid Waste Authority should conduct all its business in a transparent and public manner.

DNSWMA response to R12: This recommendation has been implemented. As an agency, the Authority continues to follow the 'Brown Act' and other public meeting laws, under the advice of legal counsel familiar with these requirements. The agency has an expectation that Commissioners, staff, and appointees to the Del Norte Solid Waste Task Force will follow these requirements.

R13 . The Solid Waste Authority should prioritize an immediate return to compliance in all regulatory matters.

DNSWMA response to R13: This recommendation will be implemented following the Authority's return to adequate staffing prior to June 2016. After that, the first priority will be to address the backlog of compliance activities that have accumulated since August 2013.

R14. Solid Waste Authority Commissioners should not simultaneously be members of the Solid Waste Task Force as it has potential to be a conflict of interest.

DNSWMA response to R14: This recommendation has not been implemented, and requires further analysis. The Del Norte Solid Waste Task Force is an advisory body to the Del Norte Solid Waste Management Authority. While a Commissioner who also serves as a Task Force member does not automatically have a conflict of interest, a Commissioner in such dual roles is in a position to both advocate and vote for recommendations to the Authority Board as well as participate in discussions and vote during Authority Board meetings.

Considering the recommendation from the Grand Jury and the analysis above, the Authority Board will consider (sometime before November 2015) adding a requirement that members of the Solid Waste Task Force cannot concurrently serve as Authority Commissioners.

These comments were reviewed and approved at the 18 August 2015 Authority meeting by the following polled vote:

AYES: Commissioners McClure, Gastineau, and Holley
NAYS: Commissioner Gitlin
ABSTAIN: ~~e~~
ABSENT: Commissioner Glore

Attest: Katherine Brewer
Katherine Brewer
Authority Clerk

cc: Jay Sarina, Del Norte County CAO
Del Norte County Supervisors
Gene Palazzo, Crescent City Manager
Crescent City Councilmembers

Attachments: Del Norte Solid Waste Management Authority's
Notice of Censure re. Commissioner Gitlin
Letter of 19 August 2015 from Supervisor Gitlin resigning from
the Del Norte Solid Waste Management Authority Board

DEL NORTE SOLID WASTE MANAGEMENT AUTHORITY

NOTICE OF CENSURE

WHEREAS, The Governing Board of the Del Norte Solid Waste Management Authority, a joint powers authority of the City of Crescent City and the County of Del Norte, California, voted on August 18, 2015 to formally censure Commissioner Roger Gitlin;

WHEREAS, on June 13, 2015 the Del Norte County Grand Jury issued its 2014-2015 Grand Jury Report with a Special Report on the Del Norte Solid Waste Management Authority "Authority";

WHEREAS, the Special Report detailed numerous instances of conduct by Commissioner Roger Gitlin that constitute violations of the Governing Board's own Code of Ethics and Conduct;

WHEREAS, the Authority is obligated to respond to each "finding" and each "recommendation" of the Grand Jury, including findings that Commissioner Gitlin had violated the Board's Code of Ethics and Conduct;

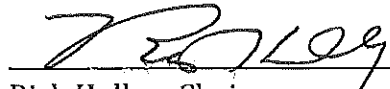
WHEREAS, on August 18, 2015, the Governing Board held a hearing to determine if Commissioner Gitlin's conduct as documented by the Grand Jury Report and e-mail records, was in violation of the Code of Ethics and Conduct;

WHEREAS, at the conclusion of the hearing, the Governing Board determined that Commissioner Gitlin's Conduct was in violation of the Board's Code of Ethics and Conduct in the following ways:

1	Conduct	Commissioner Gitlin had private meetings with Recology Del Norte Manager during which the sale of the Authority's Transfer Station to Recology Del Norte was the topic of discussion.
	COE# Violated	#1- Acting in the Public Interest; #2-Comply with the Law; #3-Respect for Process; #5-Communication; #13-Policy Role of Members
2	Conduct	Conversation with public member applicant whereby Commissioner Gitlin suggested that based upon the applicant's political party affiliation, the applicant was in the pockets of the wrong people, and not thinking for himself, and suggested that the applicant should withdraw his name.
	COE # Violated	#3-Respect for Process; #5-Communication; #15-Harassment and Discrimination; #18-Statement of Commitment
3	Conduct	Commissioner Gitlin requested and held a private interview with another one of the public member applicants and then informed the applicant that the applicant would not likely get the position but that Commissioner Gitlin would find the applicant another place in government.
	COE # Violated	#3-Respect for Process; #5-Communication; #18-Statement of Commitment
4	Conduct	Commissioner Gitlin sent an e-mail addressed to Chair Holley dated July 21, 2015: the tone and language of this letter was inappropriate.
	COE # Violated	#5-Communication; #18-Statement of Commitment

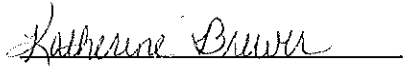
NOTICE IS HEREBY GIVEN that on August 18, 2015 after conducting a public hearing, the Governing Board voted (3-0-1-1) to formally censure Commissioner Roger Gitlin for his conduct described herein and to request that the Board of Supervisors remove him from the Governing Board of the Del Norte Solid Waste Management Authority.

Signed,


Rick Holley, Chair

8-20-15
Date

ATTEST:


Katherine Brewer, Clerk of the Board

ROGER GITLIN
DEL NORTE COUNTY SUPERVISOR

DISTRICT I

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August 19, 2015

David Finigan, Chairman
Del Norte County Board of Supervisors
981 H St.
Crescent City, CA. 95531

RE: Resignation from the Del Norte County Solid Waste Management Authority

Chairman Finigan:

In the wake of yesterday's Solid Waste Management meeting, I have concluded I should resign from participation on that Board. Although reluctant to do so, I believe such is in the best interests of that organization as it attempt to cope with a range of difficult issues. My continued presence there would only complicate matters, for I find myself in disagreement with the way a host of unfortunate and crippling developments are being managed by Tedd Ward and his political supporters.

Please accept my resignation, effective immediately.

Sincerely,


Roger Gitlin

Del Norte County Supervisor District 1